

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELEMENT SIX, S.A.,

Plaintiff,

v.

FRANKE FOODSERVICE SYSTEMS, INC.,

Defendant.

CIVIL ACTION NO. 14-13600

MOTION TO STAY ARBITRATION PROCEEDINGS

Pursuant to Massachusetts General Laws Chapter 251, § 2(b) and 9 U.S.C. § 4, foreign-plaintiff Element Six, S.A. (Element Six) hereby moves to stay arbitration proceedings initiated by defendant Franke Foodservice Systems, Inc. (Franke) before the American Arbitration Association (AAA) in Boston, Massachusetts. Element Six is not a party to any arbitration agreement with Franke and is not subject to personal jurisdiction in the Commonwealth of Massachusetts. In support of this motion, Element Six respectfully refers the Court to the accompanying memorandum of law.

In bringing this motion, Element Six does not waive, and expressly reiterates and reserves, its objection to the exercise of jurisdiction over it in this Commonwealth.

WHEREFORE, plaintiff Element Six, S.A. respectfully seeks an order staying the arbitration that defendant Franke Foodservice Systems, Inc. has initiated against it.

Respectfully submitted,

ELEMENT SIX, S.A.

By its attorneys,

/s/ John F. Farraher, Jr.

Terence P. McCourt (BBO # 555784)

John F. Farraher, Jr. (BBO # 568194)

Russell P. Plato (BBO # 671087)

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DATED: September 10, 2014

LOCAL RULE 7.1(a)(2) CERTIFICATE

The undersigned hereby certifies that counsel for plaintiff has conferred with counsel for defendant in an attempt to resolve or narrow the issues in this motion. The parties failed to come to agreement on the issues raised by this motion.

/s/ Russell P. Plato

Russell P. Plato

CERTIFICATE OF SERVICE

I hereby certify that this document was served upon counsel for Franke Foodservice Systems, Inc. by email and mail on September 10, 2012.

/s/ Russell P. Plato

Russell P. Plato